

the identity and mass of the fluorinated GHGs is unknown.

(vi) Certification that the importer was unable to obtain information on the identity and mass of the fluorinated GHGs within the closed-cell foam from the closed-cell foam manufacturer or manufacturers.

(b) Each exporter of fluorinated GHGs contained in pre-charged equipment or closed-cell foams must submit an annual report that summarizes its exports at the corporate level, except for transshipments, as specified:

(1) Total mass in metric tons of each fluorinated GHG exported in pre-charged equipment or closed-cell foams.

(2) For each type of pre-charged equipment with a unique combination of charge size and charge type, the identity of the fluorinated GHG used as a refrigerant or electrical insulator, charge size (including holding charge, if applicable), and number exported.

(3) For closed-cell foams that are exported inside of appliances, the identity of the fluorinated GHG contained in the foam in each appliance, the mass of the fluorinated GHG contained in the foam in each appliance, and the number of appliances exported with each unique combination of mass and identity of fluorinated GHG within the closed-cell foams.

(4) For closed-cell foams that are not exported inside of appliances, the identity of the fluorinated GHG in the foam, the density of the fluorinated GHG in the foam (kg fluorinated GHG/cubic foot), and the volume of foam exported (cubic feet) for each type of closed-cell foam with a unique combination of fluorinated GHG density and identity.

(5) Dates on which the pre-charged equipment or closed-cell foams were exported.

(6) If the exporter does not know the identity and mass of the fluorinated GHG within the closed-cell foam, the exporter must report the following:

(i) Total mass in metric tons of CO<sub>2</sub>e of the fluorinated GHGs exported in closed-cell foams.

(ii) For closed-cell foams that are exported inside of appliances, the mass of the fluorinated GHGs in CO<sub>2</sub>e contained in the foam in each appliance

and the number of appliances imported for each type of appliance.

(iii) For closed-cell foams that are not exported inside of appliances, the mass in CO<sub>2</sub>e of the fluorinated GHGs in the foam (kg CO<sub>2</sub>e/cubic foot) and the volume of foam imported (cubic feet) for each type of closed-cell foam.

(iv) Dates on which the closed-cell foams were exported.

(v) Name of the foam manufacturer for each type of closed-cell foam where the identity and mass of the fluorinated GHG is unknown.

(vi) Certification that the exporter was unable to obtain information on the identity and mass of the fluorinated GHGs within the closed-cell foam from the closed-cell foam manufacturer or manufacturers.

**§ 98.437 Records that must be retained.**

(a) In addition to the data required by § 98.3(g), importers of fluorinated GHGs in pre-charged equipment and closed-cell foams must retain the following records substantiating each of the imports that they report:

(1) A copy of the bill of lading for the import.

(2) The invoice for the import.

(3) The U.S. Customs entry form.

(4) Ports of entry through which the pre-charged equipment or closed-cell foams passed.

(5) Countries from which the pre-charged equipment or closed-cell foams were imported.

(6) For importers that report the mass of fluorinated GHGs within closed-cell foams on a CO<sub>2</sub>e basis, correspondence or other documents that show the importer was unable to obtain information on the identity and mass of fluorinated GHG within closed-cell foams from the foam manufacturer.

(b) In addition to the data required by § 98.3(g), exporters of fluorinated GHGs in pre-charged equipment and closed-cell foams must retain the following records substantiating each of the exports that they report:

(1) A copy of the bill of lading for the export and

(2) The invoice for the export.

(3) Ports of exit through which the pre-charged equipment or closed-cell foams passed.

(4) Countries to which the pre-charged equipment or closed-cell foams were exported.

(5) For exporters that report the mass of fluorinated GHGs within closed-cell foams on a CO<sub>2</sub>e basis, correspondence or other documents that show the exporter was unable to obtain information on the identity and mass of fluorinated GHG within closed-cell foams from the foam manufacturer.

(c) For importers and exports of fluorinated GHGs inside pre-charged equipment and closed-cell foams, the GHG Monitoring Plans, as described in § 98.3(g)(5), must be completed by April 1, 2011.

(d) Persons who transship pre-charged equipment and closed-cell foams containing fluorinated GHGs must maintain records that indicated that the pre-charged equipment or foam originated in a foreign country and was destined for another foreign country and did not enter into commerce in the United States.

#### § 98.438 Definitions.

Except as provided in this section, all of the terms used in this subpart have the same meaning given in the Clean Air Act and subpart A of this part. If a conflict exists between a definition provided in this subpart and a definition provided in subpart A, the definition in this subpart must take precedence for the reporting requirements in this subpart.

*Appliance* means any device which contains and uses a fluorinated greenhouse gas refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

*Closed-cell foam* means any foam product, excluding packaging foam, that is constructed with a closed-cell structure and a blowing agent containing a fluorinated GHG. Closed-cell foams include but are not limited to polyurethane (PU) appliance foam, PU continuous and discontinuous panel foam, PU one component foam, PU spray foam, extruded polystyrene (XPS) boardstock foam, and XPS sheet foam. Packaging foam means foam used ex-

clusively during shipment or storage to temporarily enclose items.

*Electrical equipment* means gas-insulated substations, circuit breakers, other switchgear, gas-insulated lines, or power transformers.

*Fluorinated GHG refrigerant* means, for purposes of this subpart, any substance consisting in part or whole of a fluorinated greenhouse gas and that is used for heat transfer purposes and provides a cooling effect.

*Pre-charged appliance* means any appliance charged with fluorinated greenhouse gas refrigerant prior to sale or distribution or offer for sale or distribution in interstate commerce. This includes both appliances that contain the full charge necessary for operation and appliances that contain a partial “holding” charge of the fluorinated greenhouse gas refrigerant (e.g., for shipment purposes).

*Pre-charged appliance component* means any portion of an appliance, including but not limited to condensers, compressors, line sets, and coils, that is charged with fluorinated greenhouse gas refrigerant prior to sale or distribution or offer for sale or distribution in interstate commerce.

*Pre-charged equipment* means any pre-charged appliance, pre-charged appliance component, pre-charged electrical equipment, or pre-charged electrical equipment component.

*Pre-charged electrical equipment* means any electrical equipment, including but not limited to gas-insulated substations, circuit breakers, other switchgear, gas-insulated lines, or power transformers containing a fluorinated GHG prior to sale or distribution, or offer for sale or distribution in interstate commerce. This includes both equipment that contain the full charge necessary for operation and equipment that contain a partial “holding” charge of the fluorinated GHG (e.g., for shipment purposes).

*Pre-charged electrical equipment component* means any portion of electrical equipment that is charged with SF<sub>6</sub> or PFCs prior to sale or distribution or offer for sale or distribution in interstate commerce.